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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/817,574

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Daryl Hamilton

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EXAMINER

AMSDELL, DANA

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/817,574	<b>Applicant(s)</b> HAMILTON, DARYL	
	<b>Examiner</b> DANA AMSDELL	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Remarks***

#### **35 USC § 112 REJECTIONS**

1. Applicant's amendments in view of remarks, see Remarks, page 8, filed 5/3/2010, with respect to the language of original claims 1, 7, and 13 being ambiguous have been fully considered and are persuasive. The 35 USC §112 2<sup>nd</sup> paragraph rejections of claims has been withdrawn. As the specification supports the embedded relationship between the number of trays requiring 'uniqueness' as a function of time, the amended language will be regarded as the number of unique trays is equal to the number of trays required within a time period, or the required processing rate is set equal to the unique combinations of coded indicia.

#### **35 USC § 101 REJECTIONS**

2. Applicant's arguments directed to the method claims 1-6 qualifying as a statutory process as it performs a transformation, have been fully considered. However they are moot in light of recent court rulings providing language which require a process to be: (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing or (3) be a non-abstract process. The recitation of the step of '*generating* an enhance label', provides the support of being a non-abstract process. The 35 USC §101 rejection of claims 1-6 has been withdrawn.

### **35 USC § 103 REJECTIONS**

3. Applicant's remarks with respect to claim amendments introducing the feature of **“wherein the enhanced label is unique within a predetermined time period so that additional labels generated within the predetermined time period are distinguishable from the enhanced label”** have been considered but are moot in view of the new ground(s) of rejection as the amended language directs the claim to a new scope of examination.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radican (US 6,148,291) herein “Radican”; in view of Sansone (US 5,216,620), herein “Sansone”; and further in view of “Official Notice”.

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6. Regarding claims 1, 7 and 13 being to a method, system and computer readable medium (column 4, lines 37-43), directed to tracking a tray of items, Radican teaches the receipt of a load container scan, the load container scan associating the *container unique identifier* with 'hard copy reports' (Fig. 3 - 'Status', and column 7, column 4, lines 55-64; and lines 42-44). Radican also discloses load content and status 'labels' with the monitoring system and an embodiment utilizing "enhanced" label technology for container application (column 13, lines 18-30), without actually specifying affixed labels;.

Sansone, however, does teach directly to a generated enhanced label (Fig. 1, elm. 22), the enhanced label comprising a routing code, the enhanced label being printed and applied to the tray (Fig. 1, elm. 22; and column 3, lines 24-28/lines 49-52); associating a tray with a container, the container having a container unique identifier (Fig. 2b, column 1, lines 37-59; and column 4, lines 30-40). One of ordinary skill in the art at the time of invention would find it obvious to modify the teachings of Radican by Sansone's disclosure of mail transit logistics (enabled by an enhanced label/tray system and method), as they overlap in providing a technology retro-fitted solution to problematic logistics; and as to achieve the highly desirable outcome of "the amount of effort can be reduced"; (see Sansone- Background).

Neither Radican or Sansone teach specifically to the enhanced label being unique within a predetermined time period" so that additional labels generated within the predetermined time period are distinguishable from the enhanced label. However, Official Notice is taken that the setting the number of unique variables equal to a known, or required number of unique combinations of those variables is an old, well-known, and

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easily performed mathematical calculation that would be commonly used in industries producing/processing a high volume of items that need to be identified, such as a postal service. Therefore, it would have been obvious to one of ordinary skill in the art that in the interests of conserving computer processing energy and printing resources, one would set the number of unique combinations of variables which in this case is bar-coded indicia, to the required known delivery rate.

7. Regarding claims 2, 3, 8, 9, 14 and 15, Radican and Sansone, in view of Official Notice, teach the claim dependencies, and Radican further teaches receiving a load vehicle scan, the load vehicle scan associating the container unique identifier with a vehicle identifier and a load and unload time (Fig., elm. V, Fig. 3- association between 'Status' and 'Time', and column 8, lines 45-55).

8. Regarding claims 4, 10, and 16, Radican, and Sansone, in view of Official Notice teach the claim dependencies, and Radican further teaches receiving an unload container scan, the unload container scan associating the container unique identifier with an unload container time (Fig. I, elm. C; and column 4, lines 60-67).

9. Regarding claims 5, 11, 17, 19 and 20, Radican and Sansone, in view of Official Notice teach the claim dependencies, and Sansone further teaches wherein the label unique identifier comprises at least one of a machine identifier, a label source, a holdout identifier, a serial number, and a label type (Fig 2b and column 4, lines 30-42 (label type

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being alpha-numeric barcode)); wherein the label type comprises a constant field (Fig. 2B, elm. 57-contract ID), a key field (Fig. 2B, elm. 52 –Zip code as defined by Applicant's Specifications as a "key" field) and a variable field (Fig. 2B, elm. 66 – weight).

10. Regarding claim 6, 12 and 18, Radican and Sansone, in view of Official Notice teach the claim dependencies, and Sansone further teaches wherein the routing code comprises at least one of a destination code, a content identifier number, a DOD code, and an MPC code (Fig. 2a - first 5 numbers of barcode being the destination code represented by the ZIP code).

### ***Conclusion***

The prior art made of record and is relied upon as evidence of "old and well-known:

- [http://excel.tips.net/Pages/T002158\\_Calculating\\_Combinations.html](http://excel.tips.net/Pages/T002158_Calculating_Combinations.html) - relied upon as a feature is Excel™ as far back as 1997.
- Eckert Jr. et al. (US 4,097,923)

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA AMSDELL whose telephone number is (571)270-5210. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. A./  
Examiner, Art Unit 3627

**/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627**